

1 claims that he did, relative to those questions and
2 answers and also to various statements that were made
3 in response to Bureau in discovery.

4 MS. REPP: I note, Your Honor, these are
5 documents that were turned over in, I believe,
6 September or October of 2004. And the only
7 representation at that time was that these were
8 documents in the public inspection file at that time,
9 not at any prior period.

10 MR. SHOOK: Your Honor, I would beg to
11 differ with that. The representation that was made to
12 the Bureau was that there was a set of documents. We
13 received from SFUSD a total of more than 3,000 pages,
14 appearing on two different computer disks.

15 And the first 1,008 of those pages, with
16 certain exceptions which were explained in SFUSD's
17 Response to the Production of Documents, was that
18 those documents were in the KALW file on August 1,
19 1997.

20 MS. REPP: The Bureau - excuse me. The
21 District revised admission as to what documents were
22 in the public inspection file and corrected that
23 mistake. But back to the issue...

24 To the extent that witnesses will be
25 cross-examined on these documents, it should be the

1 full record rather than portions of it.

2 ADMIN. JUDGE SIPPEL: Well, these are all
3 business documents, isn't that right? These were
4 coming out of the business records of -

5 MS. REPP: No, this is coming out of the
6 public inspection file of the station, they're not
7 internal files. They're the file maintained for public
8 review.

9 ADMIN. JUDGE SIPPEL: Right, but that
10 becomes a business record of the station, doesn't it?

11 MS. REPP: I suppose.

12 ADMIN. JUDGE SIPPEL: And these are
13 prepared in the course of business for the specific
14 purpose of informing the public?

15 MS. REPP: Yes.

16 ADMIN. JUDGE SIPPEL: Right. I think they
17 meet the heresy exemption.

18 MS. REPP: We're not objecting to putting
19 it into evidence. We're objecting to it being
20 excerpted.

21 ADMIN. JUDGE SIPPEL: I hear that, I
22 understand that. But these are specific business
23 records. It's not like taking a witness' statement
24 and just taking the first ten pages that says he's a
25 terrible person and leave out the other twenty pages

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that says he's a good person.

2 I mean, these documents should stand on
3 their own weight, I would think.

4 MS. REPP: Well, the problem is that
5 they're not complete documents.

6 ADMIN. JUDGE SIPPEL: Right, okay, all
7 right. You do have an excellent point there. But I'm
8 going to let them come in. I'm going to give you the
9 same opportunity - well, I'm going to let them be
10 marked as an exhibit, and I'm going to let them come
11 in through Mr. Helgeson as business records.

12 Now, how you - I will give you the
13 opportunity to, as with the other witness, to voir
14 dire him, with respect to these documents. I'm going
15 to try to get an explanation today, but maybe it will
16 wait until these are offered, these are formally ruled
17 upon.

18 Why were - out of 700, why were these
19 selected? What is there about these that does not
20 relate to the others that were left out, or that are
21 different?

22 MR. SHOOK: Well, Your Honor, when we were
23 putting our exhibits together, we certainly had an
24 idea that the School District might use one or more
25 program guides as an exhibit for one purpose or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 another.

2 But we weren't entirely certain of that,
3 and also we weren't entirely certain of what time
4 periods they might choose to include such. So, we did
5 copy, in its entirety, I believe at least the first
6 two of the program guides.

7 But we didn't see any particular purpose
8 for copying the entire program guide for all of the
9 remaining program guides that appeared. Rather, we
10 copied the first couple of pages to show what it was
11 that the document was about.

12 And, also, the last page - or the second
13 to the last page - which listed the personnel at the
14 station at that time, because there will be some
15 questions that come up during cross-examination about
16 who was at the station at particular times and what
17 their functions were.

18 And these documents can address that. The
19 body of the document would consist of the listings of
20 the various programs, in terms of the times at which
21 they were offered. And that particular information is
22 not anything we believe is at issue.

23 And if it turned out that there was some
24 question along those lines, we could certainly, I
25 think, reach a stipulation. But as far as having to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 go through and copy the remaining 700 pages, simply to
2 put that information in there, we didn't think was
3 necessary or appropriate.

4 ADMIN. JUDGE SIPPEL: Ms. Repp, what do
5 you think of that?

6 MS. REPP: Well, in terms of the program
7 guides, SFUSD has only put into evidence program
8 guides from the two subject years under the
9 meritorious programming.

10 ADMIN. JUDGE SIPPEL: Yes.

11 MS. REPP: So, they are not already in the
12 record. They're clearly excerpted documents in here
13 that are not otherwise in the record. And so, the
14 issue for us remains that this is an incomplete
15 reflection of what is in the public inspection file
16 for the subject time period.

17 MR. PRICE: Your Honor, if I could just
18 make an observation?

19 ADMIN. JUDGE SIPPEL: Sure.

20 MR. PRICE: It just seems that, clearly,
21 one of the important issues in this hearing is the
22 completeness of the public inspection file. And to
23 the extent that we're going to be introducing the
24 public inspection file into evidence, it seems almost
25 ironic not to introduce the entire public inspection

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 file since it's completeness is really at issue here.

2 And there's not a bit of representation
3 that this is the public inspection file as it existed
4 in 1997. Or, if that representation was made, it's
5 since been corrected. Or that it's the public
6 inspection file as of 2001.

7 It's the public inspection file as it was
8 when we printed it out and copied it last fall. So,
9 it's not even clear how relevant that is to the entire
10 document or portions of it could be to what may have
11 existed in 1997 or 2001.

12 And, also, to the point that the analogy
13 you gave to a business record, in only putting in
14 certain portions of a memo, which for example in the
15 first ten pages say how wonderful something is and
16 then the last ten is not introduced.

17 That's the type of instance Ms. Repp has
18 just been identifying, which is for certain documents
19 that's exactly what's happened - only certain pages of
20 that document have been put in.

21 So it's not though we're just talking
22 about certain pages of the entire business record, but
23 even within those records only certain pages of those
24 documents are in. so, it's misleading on several
25 levels, I believe, just to put in the portions

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 identified so far.

2 And while we recognize that printing
3 another 700 pages is not doing any favors to the
4 environment, nor necessarily the folks that have to
5 carry around these folders, it is, I believe, the only
6 way to represent fairly to the School District's
7 public inspection file as it existed at the time we
8 produced it.

9 ADMIN. JUDGE SIPPEL: You've given me a
10 lot there. Let me take it one step at a time. This -
11 and I'll ask this of Mr. Shook. This exhibit, 319
12 pages, was this given to you as a 319-page response to
13 a request for documents?

14 MR. SHOOK: No, Sir.

15 ADMIN. JUDGE SIPPEL: It was incorporated
16 in that 700 plus?

17 MR. SHOOK: We received two computer
18 diskettes. And we printed out material that we
19 thought was necessary and appropriate for
20 consideration, given the issues that we have in this
21 proceeding.

22 ADMIN. JUDGE SIPPEL: Okay. All right, so
23 Mr. Price makes a point that this is not reflective of
24 - this would not be probative of the charge that there
25 was an incomplete public file.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. SHOOK: Your Honor, in terms of what
2 is in the public file as of September, 2004, the
3 Bureau is happy to stipulate that the public file
4 consisted of the entire sets of program guides that
5 cover the various periods in question.

6 And to the extent that there is any other
7 document that the Bureau neglected to include in this
8 exhibit, that the School District believes it's
9 somehow necessary to give Your Honor or give the
10 Agency a full flavor of what was in the public file,
11 as of September 2004, the Bureau is happy to stipulate
12 that such documents were present.

13 It's just that, given that the principal
14 issues that we have to deal with are misrepresentation
15 and concern for representations that were made by the
16 School District at various points in time, as to what
17 was in their public file, we don't believe that it's
18 necessary to have the entire 1,008 pages of that time
19 period included in this exhibit.

20 We're perfectly happy to stipulate
21 whatever regarding the other 700 pages that are not
22 part of the current Bureau Exhibit No. 44.

23 ADMIN. JUDGE SIPPEL: Would you be saying
24 that, even if you did put in all of the documents in
25 there that are on the disk, that you would still be -

1 there would still be an incomplete public file as far
2 as your allegations are concerned for that time
3 period?

4 MR. SHOOK: The time period - when we talk
5 about time periods, there are different time periods
6 involved here. One is the time period that concerns
7 the representation that was made to the Commission on
8 August 1, 1997.

9 ADMIN. JUDGE SIPPEL: Yes.

10 MR. SHOOK: A second would be
11 representations that were made to the Commission in
12 January of 1998, when the Opposition to the Petition
13 to Deny was filed. Third would be representations
14 made to the Commission in April of 2001, when the
15 Response to the Letter of Inquiry that was sent out in
16 February 2001 were made by SFUSD.

17 ADMIN. JUDGE SIPPEL: Right.

18 MR. SHOOK: And then the fourth would be
19 representations made to the Bureau, to the Commission,
20 relative to the discovery responses that were sent in
21 September of 2004 and October of 2004.

22 And as far as what this Bureau Exhibit is
23 supposed to concern itself with, is the representation
24 that was made by the School District to us in
25 September of 2004, both in the initial production

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 response and in deposition questioning and responses
2 to those questions - what was in the public in August
3 of 1997.

4 So, as far as any question about the
5 completeness of the public file at present -

6 ADMIN. JUDGE SIPPEL: Yes.

7 MR. SHOOK: - to the extent that the
8 School District believes it's necessary to have
9 additional information relative to the 700 pages that
10 are a part of the diskette, but not part of this
11 exhibit, the Bureau's more than happy to stipulate.

12 But the Bureau doesn't see any reason why
13 it's necessary to have the other 700 pages included as
14 a part of this exhibit.

15 ADMIN. JUDGE SIPPEL: Well, do these -
16 we're talking here about - we'll use the deposition of
17 September 28?

18 MR. SHOOK: They weren't specifically used
19 because, as it turns out from a timing standpoint, the
20 production of documents occurred almost simultaneously
21 with the depositions.

22 ADMIN. JUDGE SIPPEL: I see.

23 MR. SHOOK: And so, we were only starting
24 to figure out what was going on at that time.

25 ADMIN. JUDGE SIPPEL: Well, you're not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 going to use - I don't expect you would be using 319
2 pages to cross-examine Mr. Helgeson with. Am I
3 correct in that?

4 MR. SHOOK: No, we'd be here for weeks if
5 I were to do that.

6 ADMIN. JUDGE SIPPEL: Yes. So, what are
7 you going to do with these? When he comes in, what
8 are you going to do with them?

9 MR. SHOOK: Well, again, the point is to
10 illustrate what was supposedly in the public file,
11 according to the responses that we received from the
12 School District. And I don't see how we get - I don't
13 see how the record is improved or enlightened in any
14 fashion by having all 1,008 pages here.

15 MS. REPP: Your Honor, there is no issue
16 in this case as to what was in the file on September
17 2004. the only issues that I know of relate to the
18 representations that were cited in the designation
19 order, which would have been the first three periods
20 of 1997, 1998 and 2001.

21 ADMIN. JUDGE SIPPEL: Do these documents
22 relate to all three periods, in the sense that they -
23 well, let me put the question another way.

24 MR. SHOOK: Yes, as a matter of fact they
25 do.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 ADMIN. JUDGE SIPPEL: They do. But do
2 they represent the full picture of the state of the
3 documents in all those three time periods?

4 MR. SHOOK: We believe they do.

5 ADMIN. JUDGE SIPPEL: So where am I
6 missing something here?

7 MS. REPP: First of all, they only relate
8 to the period going up to 1997, and they're
9 incomplete.

10 ADMIN. JUDGE SIPPEL: As of 1997 they're
11 incomplete?

12 MS. REPP: No, what's copied here is
13 incomplete.

14 MR. PRICE: Your Honor, if I may clarify..
15 The answer is that these only pertain to that period
16 of time, 1997-2001. But within that time, it's not a
17 complete set of those documents.

18 MS. REPP: They relate from 1992 to 1997.

19 MR. PRICE: 1992 to 1997, but it's not a
20 complete set of those documents. There's more
21 documents in the public inspection file that relate to
22 those time periods.

23 MS. REPP: I believe we're only arguing
24 about whether the missing pages that were excerpted
25 need to go into the record. That's really all this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 boils down to.

2 MR. SHOOK: We agree.

3 MS. LEAVITT: We're willing to stipulate
4 to the fact that there were those extra 700 pages.

5 MS. REPP: Willing to stipulate and permit
6 the Bureau to put those into the record, to the extent
7 that we request it.

8 ADMIN. JUDGE SIPPEL: I don't see -
9 obviously, I'm impacted on this quite a bit, by the
10 bulk. If there were 10 more pages, you know, we
11 wouldn't be - we would have had this decided 15
12 minutes ago.

13 But I don't see - I just can't see - if
14 the whole reason for this is simply to get the
15 complete public record on the record, even though
16 there may be no probative relevance.

17 I mean, the fact of completeness is being
18 stipulated here. I'm going to walk away here
19 convinced that this is only half of what could
20 conceivably be put in by the Bureau if they wanted to.

21 But that's the only thing that I see being
22 accomplished by what you're asking. Now, you are
23 going to - I take it that there's going to be some
24 reference to these documents in connection to the
25 cross-examination?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 MR. SHOOK: Yes, Sir.

2 ADMIN. JUDGE SIPPEL: If there's something
3 that's been left out of here that you feel is
4 significant to his testimony, upon redirect, you're
5 certainly open to use those documents for that
6 purpose.

7 Or, if you can make a stronger showing, in
8 terms of exactly why you need a complete 700 pages
9 when the diskette - should we put the diskette in as
10 an exhibit, would that help?

11 MR. SHOOK: I have no objection to that.

12 MS. REPP: I have no objection to that.

13 ADMIN. JUDGE SIPPEL: I don't know for
14 what purpose, but for purposes of completeness.

15 MR. SHOOK: If that's what Your Honor
16 rules, we could certainly provide the diskette.

17 ADMIN. JUDGE SIPPEL: Well, let me do
18 that. Let me ask that they be in the Court - I need
19 to make a note to remember this. But when we're going
20 through this with Mr. Helgeson, if there's - I will
21 reserve -

22 Well, you know, I'm not even going to do
23 that. You want this in in its full capacity. I'm
24 going to require you, Ms. Repp, to get these other
25 cleanup items that you're getting to the Reporter -

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 get them to copies of that diskette.

2 MS. REPP: Okay.

3 ADMIN. JUDGE SIPPEL: And then get one for
4 me too. All right?

5 MR. SHOOK: Yes.

6 MS. REPP: Yes, Sir.

7 ADMIN. JUDGE SIPPEL: Subject to that, I
8 am marking and receiving Bureau Exhibit No. 44 as
9 submitted by the Bureau.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as Bureau Exhibit No.
13 44, for identification.)

14 (Whereupon, the document
15 previously marked as Bureau
16 Exhibit No. 44 was received
17 into evidence.)

18 But the record will carry with it a full
19 set of - a complete diskette from which these
20 documents were extracted. And if you could somehow or
21 another identify, put a label on the diskette, in
22 terms of what exhibit number it relates to and what
23 your purpose is, is for completeness of SFUSD public
24 inspection file.

25 MR. SHOOK: Your Honor, I would suggest

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that the diskette be marked as Bureau Exhibit No. 44a,
2 even though it's produced by SFUSD.

3 ADMIN. JUDGE SIPPEL: Fine. Is that okay?

4 MS. REPP: Yes, Your Honor.

5 ADMIN. JUDGE SIPPEL: We'll call it Bureau
6 Exhibit No. 44a. Okay. Bureau Exhibit No. 45?

7 MR. SHOOK: Bureau Exhibit No. 45 is 10
8 pages, and the first pages reads "Basis for a Petition
9 to Deny KALW's license for renewal." There are
10 various dates on at least some of these documents.

11 We believe they're all related, which is
12 why we have them lumped together as an exhibit. We
13 would note that eight pages of our Bureau Exhibit No.
14 45 is the same as SFUSD Exhibit No. 6.

15 We have two extra pages, that being
16 proposed Pages 5 and 6, of this document. And we
17 request that the entire set of ten be received as
18 Bureau Exhibit No. 45.

19 ADMIN. JUDGE SIPPEL: Do you have any
20 objection?

21 MS. REPP: I do, Your Honor. I think it's
22 confusing. What I would propose is that the
23 duplicative pages that are a part of SFUSD Exhibit No.
24 6 stay in the record, and that Pages 1-4 and 7-10 of
25 proposed Bureau Exhibit No. 45 be stricken as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 duplicative of SFUSD Exhibit No. 6, so that the Bureau
2 Exhibit No. 45 would only consist of Pages 5 and 6.

3 I point out that, while parts of this are
4 duplicative of SFUSD Exhibit No. 6, they're out of
5 order. That the first page of Bureau Exhibit No. 45
6 starts with the document that was date stamped as
7 SFUSD 00671.

8 That comes after what the Bureau has as
9 Pages 7 and 8. I think it's somewhat confusing, and
10 that all the Bureau really needs to add to the record
11 would be Pages 5 and 6.

12 ADMIN. JUDGE SIPPEL: Let's see, I've got
13 a - the first one is stamped 671, and the second one
14 has no number on it at all, which is a blank page. Is
15 that just all, I have a blank page?

16 MS. REPP: That's not what I have. I have
17 672 as the second page.

18 ADMIN. JUDGE SIPPEL: Oh, I guess I just
19 have a blank page in here, because I have --

20 MS. REPP: Oops.

21 MR. SHOOK: Our crack copying staff must
22 have missed something. Your Honor, we're perfectly
23 happy with the suggestion made by counsel for SFUSD in
24 terms of striking the pages that are duplicative.

25 ADMIN. JUDGE SIPPEL: Okay.

1 MR. SHOOK: So, really, in terms of
2 offering this exhibit, the Bureau is only offering
3 into evidence marked pages 5 and 6.

4 ADMIN. JUDGE SIPPEL: Okay. All right,
5 well you can do that easily with the Court Reporter.
6 Just take out the pages, except 5 and 6, and
7 everything else remains the same with the exhibit.
8 Okay?

9 MR. SHOOK: That would be fine.

10 ADMIN. JUDGE SIPPEL: So, Bureau Exhibit
11 No. 45 is marked and I am striking all of the pages on
12 the basis of duplication, with the exception of Pages
13 5 and 6. So, this will be come a 2-page document.

14 And it's marked and received in accordance
15 with those rulings.

16 (Whereupon, the above-referred
17 to document was marked into
18 evidence as Bureau Exhibit No.
19 45, for identification.)

20 (Whereupon, the document
21 previously marked as Bureau
22 Exhibit No. 45 was received
23 into evidence.)

24 All right, Ms. Repp, is that -

25 MS. REPP: Yes, Your Honor, that works.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 ADMIN. JUDGE SIPPEL: That works. Okay,
2 let's go.

3 MR. SHOOK: Bureau Exhibit No. 46, an E-
4 Mail to Ernest Sanchez from William Helgeson; subject:
5 new station manager. And the date appears to be
6 2/21/2001. It's a 2-page document.

7 ADMIN. JUDGE SIPPEL: Any objection?

8 MS. REPP: No objection.

9 ADMIN. JUDGE SIPPEL: Okay, marked and
10 received as Bureau Exhibit No. 46.

11 (Whereupon, the above-referred
12 to document was marked into
13 evidence as Bureau Exhibit No.
14 46, for identification.)

15 (Whereupon, the document
16 previously marked as Bureau
17 Exhibit No. 46 was received
18 into evidence.)

19 MR. SHOOK: Bureau Exhibit No. 47
20 duplicates SFUSD Exhibit No. 16. And, so, the Bureau
21 would request that our document, which is four pages
22 in length, be marked as Bureau Exhibit No. 47, but
23 stricken as duplicative of SFUSD Exhibit No. 16.

24 ADMIN. JUDGE SIPPEL: Any objection?

25 MS. REPP: No objection.

1 ADMIN. JUDGE SIPPEL: Okay, so that is
2 marked. This is Bureau Exhibit No. 47. It is marked
3 as Bureau Exhibit No. 47, but it is not received into
4 evidence because it is duplicative of SFUSD Exhibit
5 No. 16, and therefore it is stricken as Bureau Exhibit
6 No. 47.

7 (Whereupon, the above-referred
8 to document was marked into
9 evidence as Bureau Exhibit No.
10 47, for identification.)

11 MR. SHOOK: Proposed Bureau Exhibit No. 48
12 is dated March 20, 2001. It's some kind of written
13 communication to Jackie Wright and David Campos from
14 Bill Helgeson, Re: Challenged SFUSD/KALW's broadcast
15 license.

16 ADMIN. JUDGE SIPPEL: Any objection?

17 MS. REPP: No objection.

18 ADMIN. JUDGE SIPPEL: Okay, it's marked
19 and received as Bureau Exhibit No. 48.

20 (Whereupon, the above-referred
21 to document was marked into
22 evidence as Bureau Exhibit No.
23 48, for identification.)

24 (Whereupon, the document
25 previously marked as Bureau

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

1 Exhibit No. 48 was received
2 into evidence.)

3 MR. SHOOK: Proposed Bureau Exhibit No. 49
4 appears to be notes Re: meeting with Jackie 3/28/01.
5 It is 2 pages in length.

6 ADMIN. JUDGE SIPPEL: Okay, any
7 objections?

8 MS. REPP: No objection.

9 ADMIN. JUDGE SIPPEL: Okay, Bureau Exhibit
10 No. 49 is marked and received.

11 (Whereupon, the above-referred
12 to document was marked into
13 evidence as Bureau Exhibit No.
14 49, for identification.)

15 (Whereupon, the document
16 previously marked as Bureau
17 Exhibit No. 49 was received
18 into evidence.)

19 MR. SHOOK: Proposed Bureau Exhibit No. 50
20 is a 1-page E-Mail from Bill Helgeson to J. Wright,
21 copied N. Siwaya; Subject: Legal cost of KALW license
22 challenge, dated June 4, 2001.

23 ADMIN. JUDGE SIPPEL: Any objection?

24 MS. REPP: No objection.

25 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 50 is marked and received.

2 (Whereupon, the above-referred
3 to document was marked into
4 evidence as Bureau Exhibit No.
5 50, for identification.)

6 (Whereupon, the document
7 previously marked as Bureau
8 Exhibit No. 50 was received
9 into evidence.)

10 MR. SHOOK: Proposed Bureau Exhibit No. 51
11 is a 1-page document bearing a date of August 28,
12 2001. It appears to be some kind of communication to
13 Jackie Wright from Nicole Siwaya, Re: state of the
14 station.

15 ADMIN. JUDGE SIPPEL: Okay, any objection?

16 MS. REPP: No objection.

17 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
18 51 is marked and received.

19 (Whereupon, the above-referred
20 to document was marked into
21 evidence as Bureau Exhibit No.
22 51, for identification.)

23 (Whereupon, the document
24 previously marked as Bureau
25 Exhibit No. 51 was received

1 into evidence.)

2 MR. SHOOK: Proposed Bureau Exhibit No. 52
3 appears to be an E-Mail from Nicole Siwaya to Ernest
4 Sanchez, cc: to Jackie Wright; Subject: KALW pending
5 renewal update. And there's no date in the heading of
6 the document.

7 But in the body of the document, it
8 appears that this document was created sometime in
9 January of 2002.

10 ADMIN. JUDGE SIPPEL: Any objection?

11 MS. REPP: No objection.

12 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
13 52 is marked and received.

14 (Whereupon, the above-referred
15 to document was marked into
16 evidence as Bureau Exhibit No.
17 52, for identification.)

18 (Whereupon, the document
19 previously marked as Bureau
20 Exhibit No. 52 was received
21 into evidence.)

22 MR. SHOOK: Proposed Bureau Exhibit No. 53
23 is a report on KALW, dated May 6, 2001, to Jackie
24 Wright from Nicole Siwaya. It's 5 pages in length.

25 ADMIN. JUDGE SIPPEL: Are there any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 objections?

2 MS. REPP: No objections.

3 ADMIN. JUDGE SIPPEL: Marked and received.

4 (Whereupon, the above-referred
5 to document was marked into
6 evidence as Bureau Exhibit No.
7 53, for identification.)

8 (Whereupon, the document
9 previously marked as Bureau
10 Exhibit No. 53 was received
11 into evidence.)

12 MR. SHOOK: Proposed Bureau Exhibit No. 54
13 is an E-Mail from Nicole Siwaya to E. Sanchez. And it
14 appears to duplicate SFUSD Exhibit No. 25, so the
15 Bureau would request that our proposed Bureau Exhibit
16 No. 54 be marked as such, but stricken as duplicative.

17 ADMIN. JUDGE SIPPEL: What is the document
18 that it is duplicative of?

19 MR. SHOOK: SFUSD Exhibit No. 25.

20 ADMIN. JUDGE SIPPEL: Okay, any objection
21 to that procedure?

22 MS. REPP: No objection.

23 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
24 54 is marked for identification. It is not received
25 into evidence, and it is stricken as duplicative of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 SFUSD Exhibit No. 25.

2 (Whereupon, the above-referred
3 to document was marked into
4 evidence as Bureau Exhibit No.
5 54, for identification.)

6 Next exhibit?

7 MR. SHOOK: Next exhibit for the Bureau is
8 No. 55, and it is a 2-page document, an E-Mail from
9 Jackie Wright to Nicole Siwaya; copies to E. Sanchez
10 and Bill Helgeson. The date is May 29, 2003, and it
11 duplicates SFUSD Exhibit No. 27.

12 So, the Bureau would request that our 2-
13 page document be marked as Bureau Exhibit No. 55, but
14 that it be stricken as duplicative of SFUSD Exhibit
15 No. 27.

16 ADMIN. JUDGE SIPPEL: Any objection?

17 MS. REPP: No objection.

18 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
19 55 is marked for identification. It is not received
20 into evidence because it is duplicative of SFUSD
21 Exhibit No. 27, and it is stricken for that reason.

22 (Whereupon, the above-referred
23 to document was marked into
24 evidence as Bureau Exhibit No.
25 55, for identification.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. SHOOK: Proposed Bureau Exhibit No. 56
2 is a 1-page E-Mail from Nicole Siwaya to E. Sanchez,
3 copied W. Helgeson, Re: KALW renewal, the court of
4 appeals option. The document does not have a date in
5 the heading, but in the body of the document, it would
6 appear that the document was created sometime in
7 November of 2003.

8 ADMIN. JUDGE SIPPEL: Any objection?

9 MS. REPP: No objection.

10 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
11 56 is marked and received.

12 (Whereupon, the above-referred
13 to document was marked into
14 evidence as Bureau Exhibit No.
15 56, for identification.)

16 (Whereupon, the document
17 previously marked as Bureau
18 Exhibit No. 56 was received
19 into evidence.)

20 MR. SHOOK: Proposed Bureau Exhibit No. 57
21 is an E-Mail from Nicole Siwaya to E. Sanchez. And it
22 appears that there's somebody else here - Jackie
23 Meyers, whoever that is - and a copy to Bill Helgeson,
24 Re: Some thoughts on FCC Decision, potential press
25 statements.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 The document itself is 2 pages in length,
2 and although there's no date in the heading of the
3 document, it appears to have been created in July of
4 2004.

5 ADMIN. JUDGE SIPPEL: Any objection?

6 MS. REPP: No objection.

7 ADMIN. JUDGE SIPPEL: Bureau Exhibit No.
8 57 is marked and received into evidence as Bureau
9 Exhibit No. 57.

10 (Whereupon, the above-referred
11 to document was marked into
12 evidence as Bureau Exhibit No.
13 57, for identification.)

14 (Whereupon, the document
15 previously marked as Bureau
16 Exhibit No. 57 was received
17 into evidence.)

18 Anything more, Mr. Shook?

19 MR. SHOOK: That is the Bureau's direct
20 case.

21 ADMIN. JUDGE SIPPEL: Okay, thank you,
22 very much. I take it you all know what you have to do
23 with the Reporter. I'm assuming those diskettes can
24 be obtained this afternoon and gotten over here? If
25 that's a problem -

1 MS. REPP: I'm not sure, Your Honor,
2 because they might need to be copied.

3 ADMIN. JUDGE SIPPEL: If that's going to
4 be the case, then I would suggest that you wait until
5 we're back in the courtroom again, rather than sending
6 it to me or sending it up here, independently of us
7 being in the courtroom.

8 Then I'm a little bit concerned about what
9 might happen to it. We want to get that right into -
10 well, I take that back. You can get it to us however
11 you get things to us.

12 MR. PRICE: We can probably get it to you
13 this afternoon.

14 MS. REPP: Well, Your Honor, actually no,
15 it can be a little difficult getting through your
16 security. Perhaps I can make that arrangement.

17 ADMIN. JUDGE SIPPEL: Yes. If you can't
18 do it today. But as Mr. Price said, if you can get it
19 in this afternoon, I'm sure the Reporter's going to be
20 here for a bit.

21 And he can incorporate those as we've
22 discussed. If not, get them to Sheila at your
23 convenience, and we'll incorporate them into the
24 record, because we're going to have custody of these
25 exhibits.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Okay, that's it. We are then in recess
2 until June 6th at 9:30 A.M., in this courtroom. And
3 there will be a witness ready to go on the stand,
4 correct?

5 MS. REPP: Yes.

6 ADMIN. JUDGE SIPPEL: That's going to be
7 Mr. Ramirez?

8 MS. REPP: Yes, Mr. Ramirez.

9 ADMIN. JUDGE SIPPEL: And he's going to be
10 ready to go. And I can't - is there any other
11 housekeeping questions or suggestions or anything?
12 No, okay.

13 MS. REPP: We're done.

14 ADMIN. JUDGE SIPPEL: That's fine, thank
15 you, very much. Today's proceeding is over, and we
16 are in recess until the 6th of June. Thank you, very
17 much.

18 (Whereupon, the foregoing matter went off
19 the record at 12:41 P.M.)

20

21

22

23

24

25

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

Name of Hearing

MB DOCKET NO. 04-191

Docket No. (if applicable)


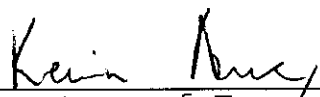
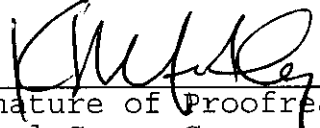
445 12th STREET, S.W., WASHINGTON, D.C.

Place of Hearing

MAY 26, 2005

Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 36 through 213 inclusive, are the true, accurate and complete transcript prepared from the reporting by Eric Stadnik (Reporter's Name) in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription statement of Work and have verified the accuracy of the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

| | | |
|--------------|-------------------------------------------|--------------------------------------------------------------------------------------|
| June 7, 2005 | Eric Stadnik |  |
| Date | Legible Name and Signature of Reporter | |
| | Name of Company: <u>Neal Gross Co.</u> | |
| June 7, 2005 | Kevin Avery |  |
| Date | Legible Name and Signature of Transcriber | |
| | Name of Company: <u>Neal Gross Co.</u> | |
| June 7, 2005 | Kevin Murphy |  |
| Date | Legible Name and Signature of Proofreader | |
| | Name of Company: <u>Neal Gross Co.</u> | |